

REMARKS

In an Official Action dated April 18, 2006, the Examiner rejected claims 1-38 as obvious in light of Japanese publication JP403-163245 in combination with U.S. Pat. No 4,957,471 to St. John. Additionally, the Examiner rejected the pending claims under obvious-type double patenting over U.S. Pat. No. 6,855,079 in view of St. John '471. Applicants request that the Examiner reconsider the rejection in light of the following discussion.

Applicants' device is directed to a tensioner having a reversible biasing element. When the biasing element is in a first orientation it is configured to preferably bias the device in a first direction; and when the biasing element is in a second orientation it is configured to preferably bias the device in a second direction. In other words, the biasing element is configured to provide a biasing force in a preferred direction depending on the orientation of the biasing element. However, the biasing element may provide a biasing force in a direction opposite the preferred direction, but using the device in such a manner can lead to premature failure. The difficulty is that the user does not have a easy and efficient way to detect the preferred direction. Further, the user does not have a way to detect the orientation of the biasing element, short of disassembling the tensioner.

For instance, in the application, the device is described as including a flat coil spring. The spring provides bias if it is displaced a first direction to tighten the coil (i.e. wind the coil tighter), but it also provides bias if it is displaced in the opposite direction to loosen the coil (i.e. unwind the coil). Although both directions can provide a bias, it is preferable to operate the device such that the bias is provided by tightening the coil. Operating the device so that the bias is provided by unwinding the coil may

work, but it can lead to premature failure. However, once the tensioner is assembled, it is impossible to tell the orientation of the spring or the preferred direction of bias.

To provide an efficient way to ensure that the tensioner is properly used, the tensioned includes an indicator that identifies the proper direction for tensioning. None of the prior art devices teach or suggest such features.

Referring to claim 1, the claim recites:

A tensioner for tensioning a drive belt, comprising:

- a housing having a generally open lower end;
- a first connector on the housing;
- a shaft disposed within the housing;
- an arm having first and second ends and a second connector on the first end that is cooperable with the first connector to attach the arm to the housing;
- a bearing disposed within the housing and connected with the shaft and the housing so that the housing is rotatable relative to the shaft;
- a reversible biasing element disposed within the housing operable in first and second orientations, wherein in the first orientation the biasing element is displaceable in a first direction to bias the arm in a preferred direction and wherein in the second orientation the preferred direction is reversed; and
- an indicator operable to indicate the preferred direction when the biasing element is in a relaxed state.

The indicator in St. John's simply identifies the magnitude of the bias when the device is tensioned. The device cannot operate to identify a preferred direction for the biasing element when the biasing element is in a relaxed state. Further, the St. John's device can only indicate information about the bias when the

device is in a biased state. In contrast, claim 1 as amended recites that the indicator identifies the preferred direction when the biasing element is in an relaxed state. Accordingly, St. John does not teach or suggest the features of claim 1. Similarly, St. John does not teach or suggest the features of claim 17.

Referring to claim 34, the operation of the device in JP03-163245 in view of the St John device does not inherently include the steps of claim 34. The Examiner argues that St. John teaches an indicator that indicates the direction and amount of tension in the tensioner. However, that is not what claim 34 recites.

Among other steps, claim 34 recites the following steps:
attaching a biasing element to the base in one of a first orientation in which the torsion spring is operable to provide a biasing force in a first direction or a second orientation in which the torsion spring is operable to provide a biasing force in a second direction;
operating an indicator to identify whether the biasing element is disposed in the first orientation or the second orientation.

The St. John device does not and cannot identify whether the biasing element is in the first orientation or the second orientation. It can only tell the direction and magnitude of the biasing force. However, as discussed above, the spring can provide a bias force in both directions in both orientations. Since it is not always desirable to operate the tensioner in both directions in both orientations, the indicator provides a quick and efficient method for identifying whether the biasing element is disposed in the first orientation or in the second orientation. Since neither JP03-163246 nor St. John teach the features of claim 34, alone or in combination, claim 34 is patentable over the cited references.

The Examiner also rejected the claims under obviousness type double patenting over US 6,855,079. However, the Examiner noted that the claims in the '079 patent do not teach or suggest the features of the indicator. Further, as discussed above, the cited references do not teach or suggest the features of the indicator. Accordingly, Applicants request that the Examiner reconsider the rejection of claim 34 and dependent claims 35-38.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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